

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

December 11, 2007

Charles R. Fulbruge III
Clerk

No. 06-10329
Conference Calendar

ALFREDO DE LA VEGA

Plaintiff-Appellant

v.

PATRICIA PRIOR; JAMIE BAKER; YVETTE QUINTANA; NFN COOK; JESUS
RODRIGUEZ; GLORIA CARRASCO; LARRY KELSAY; LARRY LUCIUS

Defendants-Appellees

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 2:03-CV-75

Before REAVLEY, BARKSDALE, and GARZA, Circuit Judges.

PER CURIAM:*

Alfredo De La Vega, Texas inmate # 1050601, filed a 42 U.S.C. § 1983 action claiming that the defendants showed deliberate indifference by failing to protect him from his cellmate. De La Vega appeals following a jury verdict in favor of the defendants.

De La Vega argues that the district court erred in refusing to allow him to introduce at trial a grievance form he submitted following the attack by his

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

cellmate. He contends that defendant Jesus Rodriguez responded to the grievance in a way that would tend to impeach his trial testimony.

A review of the record shows that De La Vega did not make a proffer of what the grievance would have shown. Because De La Vega failed to make an offer of proof as to the excluded evidence, he cannot show error. See *Young v. City of New Orleans*, 751 F.2d 794, 797 (5th Cir. 1985); *Mills v. Levy*, 537 F.2d 1331, 1333 (5th Cir. 1976); FED. R. EVID. 103(a)(2). Accordingly, the judgment of the district court is AFFIRMED.